

BUCKINGHAM v. PEDDICORD.

The course of proceeding against a defendant, whose answer, on exceptions, has been held insufficient; or who has contumaciously neglected to answer; or who has, on demurrer or plea, failed to protect himself from answering as the bill requires.—The acts of assembly in relation to proceedings against non-resident, absconding, or contumacious defendants considered.—In all such cases the bill may be taken *pro confesso*, or testimony taken, upon which the court pronounces the decree; and if it has no jurisdiction must dismiss the bill.—How discovery may be had where the bill may be taken *pro confesso*.—An insufficient answer is as no answer; and therefore, upon such default, the bill may be taken *pro confesso*, and a final decree passed.

THIS bill was filed on the 2d of December, 1829, by *Larkin Buckingham*, administrator of *Thomas Evans*, deceased, against *Jasper Peddicord*, *Jeremiah Barthellow*, and *Asbury Peddicord*. The bill states, that for a debt due to his intestate the plaintiff, as administrator, brought suit and recovered judgment in the County Court of Anne Arundel county, at April term, 1828, against the defendant *Jasper Peddicord*, for the sum of \$885 20, with interest from the 16th of August, 1825, and costs; that previously thereto the defendant *Jasper*, on the 24th of February, 1826, with the fraudulent intent of avoiding the payment of the judgment, which he knew would be obtained against him, mortgaged to the defendant *Jeremiah*, his son-in-law, one hundred and fifty-one and a half acres of land lying in Anne Arundel county, for the consideration of \$581; and on the same day mortgaged to the defendant *Asbury Peddicord*, his son, one hundred and twenty-six acres of land lying in the same county, for the consideration of \$927 17; that afterwards, on the 10th of October, 1827, the defendant *Jasper*, for the consideration of \$1,400, conveyed in fee to this defendant *Jeremiah*, the same land which he had previously mortgaged to him; and on the 22d of October, 1827, the defendant *Jasper*, for the consideration of \$2,000, conveyed in fee to the defendant *Asbury*, the same land which he had previously mortgaged to him. The defendant *Jasper* so thereby conveying all his real estate to his son-in-law, and son; in consequence of which the plaintiff has been unable to obtain payment of his judgment, or any part thereof; that those conveyances were concocted in fraud, with the intent and purpose of cheating the plaintiff, and other of the creditors of the defendant *Jasper Peddicord*, and of avoiding the payment of his just debts; that the defendant *Jasper* was not indebted to the defendants *Jeremiah* and *Asbury* the consideration mentioned